
PANCHAYATI RAJ INSTITUTIONS OF SANTHAL PARGANA DIVISION IN JHARKHAND: A CRITICAL ANALYSIS

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ABSTRACT

This paper offers a critical examination of democratic decentralization and the functioning of Panchayati Raj Institutions (PRIs) in Jharkhand, with a particular focus on the Santhal Pargana Division. Notably, this region possesses a distinct tribal social fabric and a unique history of governance. The study explores the widening disparity between the constitutional and legislative ideals that underpin decentralized governance and their actual implementation on the ground. While the Panchayati Raj framework was designed to empower communities and promote participatory democracy, its tangible impact in tribal areas remains constrained, highlighting the complex challenges of translating policy into meaningful change.

To be effective PRIs have to possess certain structures and to carry out certain functions. The factors that phenomenon include ambiguous statutory provisions, weak political will, bureaucratic sloth, and the persistence of governance institutions that operate parallel to and often supplant democratic institutions. In many cases, elected local bodies are dependent on higher authorities, making them non-autonomous and non-decision-making. As a result, true community participation and local self-governance have not emerged as intended by the makers of the policy.

Using a mixed-method case study methodology, the study combines legal and policy analysis with field observations. Through this process, laws and policies can be understood in conjunction with the socio-cultural realities of the tribals. The main shortcomings in existing frameworks were identified and legal, administrative and institutional reforms suggested based on the findings. The suggestions seek to improve the democratic decentralization of PRI by making them more responsive, inclusive and effective. These suggestions are very important in tribal self-governance in Jharkhand.

Keywords: Panchayati Raj, Traditional Governance, PESA, Santhal, Decentralisation.

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INTRODUCTION

Democratic decentralisation refers to a strategy aimed at restructuring the way governance works through a transfer of power, duties and resources to local governments who act independently, and work in a democratic manner. It aims to not only improve administration but to also promote trust, transparency and accountability in governance in the aid receiving areas.² Decentralisation must necessarily involve legal reforms that confer real powers on local-level bodies. It must also entail stronger financial and administrative capacity at the grassroots level, and systems that ensure accountability and responsiveness. Moreover, it organizes active social mobilization in civil society to enhance people's life quality.

The empowerment of local governments allows them to make judgements based on the real needs of the local communities. It results in enhanced local interaction, enhanced facilitation of development programmes and more sustainable results.³ Their trust in programmes is likely to increase when they are described by local leaders they know well instead of the unfamiliar bureaucrats, which increases the level of public participation and ownership. Therefore, decentralisation does not only mean effective service delivery- it is the establishment of trust and legitimacy. This local ownership is paramount in a diverse nation as in the case of India particularly in tribal regions. In its absence, the development initiatives run the risk of being perceived as top-down initiatives, and might not get actual support in the public. Panchayati Raj in India, institutionalized by the 73rd Constitutional Amendment in 1992, is the basis of local government, particularly in rural and tribal areas.⁴

This paper is a critical assessment of the democratic decentralisation and Panchayati Raj Institutions (PRIs) concepts and their application in the state of Jharkhand and specifically in the Santhal Pargana Division, that has a large tribal population and a distinct culture and history. This is an effort to see the legal environment, old systems of governance, and the major challenges involved in bringing actual grassroots democracy to this region. The tribal population in Jharkhand is large, having been formed in 2000. Santhal Pargana Division formed in 1983 with Dumka as its center has six districts, which are Godda, Deoghar, Dumka, Jamtara,

² Barnett, C. C., Minis, H. P., & VanSant, J. (1997). *Democratic decentralization* (Prepared for the United States Agency for International Development). Research Triangle Institute.

³ Crook, R., & Manor, J. (2000). *Democratic decentralization* (OED Working Paper Series No. 11). The World Bank. <https://www.worldbank.org/html/oed>.

⁴ Government of India. (1994). *The Constitution (Seventy-Third Amendment) Act, 1992*, in *Constitution of India with Comments* (pp. 1361–1365). New Delhi: Universal Law Publishing Co.4

Sahibganj, and Pakur. This is an area of the Fifth Schedule, that is, tribal communities have special constitutional protection in this case. This area is significant to explore the effectiveness of the decentralised governance under tribal settings because of the high presence of the Santal tribe and their traditional institutions.⁵

CONCEPTUAL FOUNDATIONS

Democratic decentralisation entails the transfer of power, responsibility and accountability by the central government to the local units. This is referred to as devolution and entails providing local governments with actual power and resources and making decisions, as well as being democratically and independently functioning. It has major objectives of enhancing good governance, promoting the realism and localization of development, enhancing transparency, establishing financial capacities at the grassroots and rendering government policies more responsive to local demands. It also enables effective local projects to be increased to bigger regions.

Decentralisation requires the local elected authorities to be empowered sufficiently, with financial resources as well as administrative backup. No less significant, are good systems to hold leaders accountable, with officials reporting to elected authorities, and the former reporting to the citizens.

Other facilitating factors are a free press, a lively civil society, democratic experience, social equity, and good administration. Nonetheless, the fundamental success of decentralisation requires three factors, namely, actual power, adequate funding, and effective accountability. Without one of them the system breaks down, money without power is useless, and accountability without money encourages abuse. Therefore, even such critical reform as the 73rd Amendment and PESA require persistent political intent so that to guarantee enough financial devolution and control which is usually deficient in the Indian Panchayati Raj system.

HISTORICAL EVOLUTION OF PANCHAYATI RAJ IN INDIA: FROM VEDIC TIMES TO THE 73RD AMENDMENT.

Local self-governance in India was already a concept during the Vedic era when the

⁵ Government of Jharkhand. (2023). *Jharkhand Economic Survey 2022–23: Social Sector* (Chapter 6, pp. 101–130). Finance Department, Government of Jharkhand.

fundamental unit of government was the village (grams).⁶ Later on, Mahatma Gandhi promoted Gram swaraj - a model of village-based self-governance as the cornerstone of Indian democracy. But upon independence, India shifted to the centralised system and over time started to devolve authorities to the local elected bodies.

Formal introduction of the Panchayati Raj system was done on October 2, 1959, in Nagaur, Rajasthan, and later in Andhra Pradesh. One of the big moves involved the Balwant Rai Mehta Committee (1957) that suggested the idea of democratic decentralisation upon examining the rural development programmes. According to its recommendations, it was proposed to have a three-layered system, Gram Panchayat (village), Panchayat Samiti (block), and Zila Parishad (district).⁷

The major change was made when the 73rd Constitutional Amendment Act of 1992 was passed and was effective on April 24, 1993. It made Panchayati Raj Institutions (PRIs) constitutional, legally binding, and required every state with a population over two million to have a three tier structure of institutions as the main way to strengthen the grassroots form of democracy in India.

Decentralisation was also achieved significantly through the 73rd amendment to the constitution where Panchayati Raj Institutions (PRIs) were legalised. But the history of centralised rule in India even when Gandhi urged the people to form village governing bodies demonstrates that there is a constant conflict between a centralised rule and the autonomy of the local areas. This is evident in the way the amendment is written which states that the state legislatures are free to give away 29 subjects to Panchayats - the actual devolution of powers is optional. Due to this, most states still control the important functions and budget and restrict the power and efficiency of the local government and undermine the real essence of the grassroots democracy.

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO SCHEDULED AREAS) ACT (PESA), 1996: OBJECTIVES AND KEY FEATURES FOR TRIBAL SELF-GOVERNANCE

⁶ Sharma, S. L. (2008). *Grama Sabhas and Self-Governance in Ancient India* (p. 47). Delhi: Heritage Publishers.

⁷ Frontline Editorial Team. (2022, August 11). *1959: Panchayati Raj begins in Nagaur, Rajasthan*. *Frontline, The Hindu*. pp. 22–23.

PESA was enacted on December 24, 1996 to bring Panchayati Raj provisions to Fifth Schedule areas of India dominated by tribes with appropriate amendments to observe local culture and context.⁸ It was considered to be a ground breaking move to right the historical wrongs of tribal communities- particularly land, forest and cultural identity loss following exploitative colonial and post-colonial laws and development strategies.

The principle objectives of PESA were to allow the tribes to govern themselves, safeguard their rights on land and other natural resources, avoid being exploited, and see to it that local consensus is made in making development decisions. It sought to make Gram Sabhas a real power, so that tribal communities had the power to manage their resources, and make decisions on their developmental priorities on the ground.

The significant provisions of PESA are:

- **Dignity towards the Customary laws:** State laws should be in line with the tribe customs, religious practices and traditional resources management. These traditions and local dispute solving are mandated to Gram Sabhas.
- **Development Control:** Gram Sabhas should give the approval of any planning and projects to be conducted at the village-level.
- **Land Rights:** Gram Sabhas can prevent illegal land dispossession, recover tribal land lost and they have to be consulted when land is to be acquired or resettled.
- **Resource Management:** They are given the powers to minor forest produce, minerals, and water bodies, and have to be consulted prior to the mining rights being given.
- **Mandatory Devolution:** PESA unlike the 73 rd amendment which only proposes the transfer of power to Panchayats, makes some transfers of power (such as forests and land) compulsory to states.⁹

The application of PESA has been poor and uncertain despite its progressive nature. It has not been effective in helping to create actual change mostly due to bureaucratic apathy and lack of

⁸ Government of India. (1996). *The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996* (Act No. 40, 24 December 1996). Ministry of Law and Justice.

⁹ Singh, H. (2018). The Panchayats (Extension to Scheduled Areas) Act (PESA), 1996: A critical review. *International Journal of Law Management & Humanities*, 1(1), 1–15.

political determination. The ongoing domination of the state authorities over funds and functions has been weakening the spirit of PESA and turning it into the image of how well-meaning laws often collapse without the support of the system. The promise and ground reality disparity between it and the ground reality is a major problem in democratic decentralisation of the tribal areas.

PANCHAYATI RAJ INSTITUTIONS IN JHARKHAND: STRUCTURE, FUNCTIONS, AND LEGAL FRAMEWORK

Jharkhand adopted the Panchayati Raj system after becoming a state in November 2000, through the Jharkhand Panchayat Raj Act, 2001, which came into effect on May 10, 2001. The Act applies to the entire state except urban and cantonment areas and follows the three-tier structure mandated by the 73rd Constitutional Amendment:

- **Gram Panchayat (Village Level):** Comprising a Mukhia and elected members, each Gram Panchayat serves a village or a group of villages with an ideal population of around 5,000.
- **Panchayat Samiti (Block Level):** Includes elected members, local MPs and MLAs, Rajya Sabha members registered in the area, one-fifth of local Mukhiyas, and a nominated member.
- **Zila Parishad (District Level):** Includes elected members, all block-level Pramukhs, MPs, MLAs, Rajya Sabha members, and a state-nominated member.

Although the Act was passed in 2001, Panchayat elections were delayed until 2011, marking a 32-year gap since the last such elections (under undivided Bihar). This delay reflects serious political reluctance and systemic obstacles to implementing genuine democratic decentralisation, especially in tribal areas.

FUNCTIONS OF THE PRIS

1. Gram Panchayat

In charge of preparing development plans and budgets; organising community work; maintaining public property; monitoring important sectors such as agriculture, irrigation,

housing, roads, water supply, electricity, education, health, sanitation, social welfare, and records of births and deaths. It also regulates local markets, tribal sub-schemes and community funds in Scheduled Areas.

2. Panchayat Samiti

Manages block-level development in areas such as agriculture, rural industries, forestry, education, health, employment, and welfare of the vulnerable group. It is also in charge of poverty alleviation programs and infrastructure control and basic services. It acquires additional powers in the planning and management of minor reservoirs as well as tribal sub-plans in the tribal areas.

3. Zila Parishad

It is the highest planning and coordinating body in the district level. It plans and supervises the development plans of the districts, supervises the work of lower-level Panchayats, administers joint projects in infrastructure, redistributes funds and administers relief works. It deals with almost every rural development field such as education, health, housing, roads, electrification and programmes on welfare. It also takes care of tribal sub-plans and minor reservoirs in Scheduled Areas.

Although the wide legal requirement is there, there is poor devolution of power and money. Repetitive studies indicate that there is a gap between the intention and the ground reality of the law thus creating a gap in governance. PRIs are assigned tasks but they are denied freedom and resources to execute efficiently. This subordinates the local power of government and subverts the practical power of tribalism.

PROVISIONS FOR RESERVATIONS AND REPRESENTATION IN JHARKHAND PRIS

The Jharkhand Panchayati Raj Act, 2001, has very strong reservations and representation, which conforms to the constitutional concepts of the 73rd Amendment. These stipulations will provide inclusive governance and cover historical inequalities.

Scheduled Castes (SCs) and Scheduled Tribes (STs) have their seats allocated in panchayats according to the number of people of that caste or tribe within the panchayat. The State Election

Commission allocates these reserved seats to other territorial constituencies in a rotation manner.¹⁰ One important provision is that in case the total quota of SC/ST categories is less than that of the total members then the remaining quota will be allocated to the Other Backward Classes (OBCs) in accordance with their respective populations. Nevertheless, the progressive quota of SC, ST and OBC is limited to half of the overall number of seats. In a bid to achieve gender equality, at least 50% of the number of seats set aside to SC, ST, and OBC groups will be further set aside to women of that particular group. Additionally, a significant measure ensures that not less than 50% of the total seats filled by direct election (which includes those already reserved for women from SC, ST, and OBC) are reserved for women, with allotment by rotation by the State Election Commission.

The Act makes reservation rules more stringent in Scheduled Areas to protect the interests of tribes. Seats are reserved for SCs and STs based on how many people are in each group. One important rule is that ST reservation must be at least half of the total seats. The number of seats reserved for OBCs is based on their population, and the overall number of seats reserved for SCs, STs, and OBCs cannot be more than 80% of the total number of seats. Like in general areas, at least half of the seats set aside for SC, ST, and OBC women are set aside for women. Also, at least 50% of the total seats are set aside for women. The State Election Commission also gives these reservations out in a rotating fashion. The same reservation rules apply to the the head posts (Mukhia, Pramukh, Adhyaksha) at all three levels. In Scheduled Areas, all Mukhia positions are exclusively designated aside for Scheduled Tribes. Also, at least 50% of the total Mukhia, Pramukh, and Adhyaksha positions in Scheduled Areas are set aside for women from Scheduled Tribes. The State Election Commission chooses these women via rotation.

The implementation of the reservation policies in Jharkhand has paid off. The state became the first one to introduce a 50 percent quota of women including tribal women in panchayat elections as early as 2001. This law has greatly increased the role of tribal women in local government. The 2015 Jharkhand panchayat election results suggest that out of the elected officials, about 58 percent were women mostly representatives of tribal groups. This expanded representation has definitely led to increased political participation, heightened understanding of society and better governance and policies. Tribal women leaders have also taken the

¹⁰ Government of Jharkhand. (2001). *Jharkhand Panchayati Raj Act, 2001*. Retrieved from <https://panchayat.gov.in/en/document/the-jharkhand-panchayati-raj-act-2001>.

initiative to advocate in the areas of education, health care, and livelihoods by going past the old male dominated boundaries and becoming role models to the future generations who may want to become politicians.

Legislation was enacted to assist women, and organizations known as Scheduled Castes (SCs) and Scheduled Tribes (STs) have reasonable opportunities to join politics. As an illustration, they ensured that fifty percent of the local governments leaders are women.¹¹ This has enabled more women in these groups to join politics and feel more empowered and confident defying the notion that men should always be the boss. This is a success of the laws in case the things will be fairer. However, women are yet to truly have power in society as they face old habits and beliefs even after these laws. At times, women are merely spoken by name and other members of the family such as husbands or fathers may be the ones who make decisions on their behalf. This demonstrates that despite laws that women are supposed to be leaders, the manner in which the society thinks and behaves can still prevent women to be real leaders. We must change these ingrained beliefs and impart new skills in women so that they can perform their tasks efficiently. The women leaders can be in a position to make rules which are favourable to all, but they may still experience difficulties due to the old tradition which places the men in power.

SANTHAL PARGANA DIVISION: CONTEXTUALIZING THE CASE STUDY

Demographic and Socio-Economic Profile of Santhal Pargana Division (Population, Literacy, Economic Indicators, Migration Trends)

Established in 1983, the Santhal Pargana Division is headquartered at “Dumka” and includes the following six districts: “Godda,” “Deoghar,” “Dumka,” “Jamtara,” “Sahibganj,” and “Pakur.” It has special significance for the study of tribal governance because it is a Fifth Schedule area. The Santhal Pargana Division had 6,969,097 residents overall, or 550 persons per square kilometre, according to the 2011 Census. With Khortha being the most often spoken language (29.11%), Santali (24.25%), Bengali (16.11%), Angika (10.4%), Hindi (8.69%), Urdu (5.06%), Malto (2.15%), and Bhojpuri (1.99%), the linguistic landscape is varied. Religious affiliations are largely Hindu (67.95%), with considerable Muslim (22.73%), Christian

¹¹ Vyasulu, P., & Vyasulu, V. (1999). Women in Panchayati Raj: Grass roots democracy. In T. R. Raghunandan (Ed.), *Decentralisation and local governments: The Indian experience* (p. 95). Orient BlackSwan.

(4.21%), and indigenous Sarna and Sari Dharam (4.84%) communities. Sari Dharam is especially followed by the Santal tribe, but Sarna is practiced by other tribal people. Jharkhand is home to 32 distinct tribal communities. As to the 2011 Census, Scheduled Tribes (STs) formed 26.2% of Jharkhand's total population, amounting to around 86.45 lakh individuals. The Santals are the most prevalent tribal tribe inside Jharkhand, accounting for 31.86% of the state's ST population, and 34% of the total ST population in the state. Significant quantities of Santals are found in Dumka, Purbi Singhbhum, Pakur, and Sahebganj districts.

One of the problematic demographic aspects is the fact that there is a continuous decline in the population of the tribes in Jharkhand. The proportion of tribal population as a part of the total population reduced by 36 percent in 1951 to 26 percent in 2011. This decline has been worst in the Santhal Pargana where the population of the tribals has reduced by 44.66 to 28.11 within the same period. This demographic shift is typically attributed to issues such as low educational attainment, absence of employment opportunities, forced immigration. In the Santhal Pargana and the rest of Jharkhand, tribal communities depend much on agriculture and olden-day subsistence sources, including communal farming, fishing, hunting, livestock keeping, and crafts, to sustain their socioeconomic status. Such activities are associated with such natural resources as rivers, hills, forests, and so forth. Although comprising approximately 27 percent of the state population only 3.4 percent of the tribal members are represented in the government and even more alarming, 65 percent of the positions sanctioned by the government are left vacant. The absence of schools, trained teachers, and the essential facilities such as books, electricity, and technical facilities in rural and tribal regions are the predominant factors in this disparity, as well as the level of education particularly among women and the great challenges in passing competitive examinations.

A large number of tribal population move to other states in search of a better life; this coupled with the fact that there is always no industrial investment and job prospects in the state of Jharkhand, also leads to the decrease in population. Parental departure is often a result of low income leaving children alone and this results in learning difficulties.

One of the key aspects that should be taken into consideration when assessing the problems of democratic decentralisation concerns the socioeconomic and demographic disadvantage of the tribe community in Santhal Pargana. The large population drop in the tribal members of Santhal Pargana, low literacy levels (especially among the female population), absence of government

jobs involved, and reliance on traditional and more often subsistence-centered livelihoods all indicate a disturbing pattern. This underdevelopment in educational and economic sectors is the direct cause of distress migration. This leads to a vicious cycle where the less and the more alienated individuals can involve themselves in formal governing institutions like PRIs resulting into greater difficulties associated with bad implementation and external intervention. Although Jharkhand was formed with the aim of safeguarding tribal interests, the poor image that was given 25 years later indicates a complete failure to solve these nagging problems. This implies that in case the target population lacks the basic human capital and economic stability to engage proactively and exercise their rights in the decentralised form of governance institutions, even the well-intended programmes will not work.

THE SANTAL TRIBE

The Santals, also called Santhals, are the largest tribal community in Jharkhand and West Bengal, with populations also found in Odisha, Bihar, Assam, Bangladesh, and Nepal. They speak Santali, the most extensively spoken Munda language. Historically, they settled in the Chotanagpur plateau, and in 1832, the British constructed the Damin-i-koh (now Santal Pargana) to promote settled farming among Santals.¹² However, exploitation through taxes and landlords led to the historic Santal revolt led by Sidhu and Kanhu Murmu. Santal communities are vast and orderly, with common places like the jaher (holy grove) and their own well-structured legal system, led by the Manjhi Hadam and assisted by traditional authorities. Their governing structure is deeply democratic and egalitarian, anchored in land and cultural customs. This strong traditional concept of self-rule provides both a difficulty and an opportunity for the modern Panchayati Raj Institutions (PRIs). If PRIs fail to respect and include these structures, they may be rejected by the community as outsiders, limiting the success of democratic decentralization attempts.

TRADITIONAL GOVERNANCE SYSTEMS: THE MANJHI PARGANA SYSTEM AND ITS ADMINISTRATIVE STRUCTURE

The Santal community possesses a highly structured and democratic three-level standard administrative structure, which has historically provided discipline and order within the

¹² O'Malley, L. S. S. (1910). *The Santals*. In *Bengal District Gazetteers: Santal Parganas* (pp. 89–151). Calcutta: The Bengal Secretariat Book Depot.

community.

- **Village Level (Panchayat / Council / *morehor*):** This is the basic and most crucial level for resolving internal issues inside the community. It contains village elderly people and is led by the Manjhi, the chief of the village. The Manjhi retains significant power, historically responsible for community development and rent collection on behalf of the Zamindar. His presence and authorisation are required for all social and religious activities, including negotiations, marriages, divorces, and initiations. He is aided by many officials.
- **Paramanik:** The Manjhi's assistant, who fulfils duties in his absence. Historically, the Paramanik managed agricultural interests, new settlers, and equal land allocation, and was responsible for entertaining village guests.
- **Jog-Manjhi:** This authority oversees the village youth's moral behaviour, discipline, and adherence to cultural norms. The Jog-Manjhi also directs all of the festival dances.
- **Naeke:** The local priest, responsible for honouring national deities during annual festivities like Sarhul and Moi Muri.
- **Godet:** The Manjhi's representative is responsible for informing all villagers about Panchayat meetings. Panchayat meetings are customarily conducted beneath a tree in the village center. The issue is escalated to the Pargana if the village of Manjhi is unable to resolve it.
- **Inter-Village Level (Pargana):** The Parganait is the chief of this second level, which typically consists of 10-12 villages. Several village chiefs select the Parganait, who holds the position for life and serves as the custodian of all social functions within his jurisdiction. He is supported by the Desh Manjhi, who is responsible for the preservation of Pargana-related information.
- **Highest Level (Lo-Bir / Sikhar Parishad / Khunt council):** This is the supreme juridical power of the Santals, operating as their highest law-court. Sessions of the Lo-Bir typically occur during the annual hunting trips (Lo Bir Sindra), presided over by the Dihri. This organization serves as the final court of appeal for unsettled disputes and

reviews tribal law and customs.¹³

These four levels of the traditional Santal Court - Manjhi Baisi, Mapanjhi Baisi, Pargana Baisi and Lo Bir Baisi are all functional. This order is ancient and has shown incredible persistence through the years, in spite of heavy legal limitations. The village plays a great role in the territorial identification of Santals. Boundaries of every village are demarcated clearly and have religious connotations with the belief in the spirit called the Sima Bonga that safeguards the village boundary. This village-based, decentralised structure has historically not had a bigger shared identity than the small one.¹⁴

The connection between this old system and the modern Panchayat system is complicated. The Manjhi system continues to exist in various portions of Santhal Pargana. The current Panchayat system, adopted in the mid-1950s, has connected Santal communities to each other and to non-Santal villages, allowing new channels of influence from a political system previously unknown to their traditions. These two systems work simultaneously, typically vacillating between mutual support and occasional confrontation.

The Manjhi Pargana system is defined as a “well-organized socio-political structure based purely on democracy” with a “ancient Santal judicial hierarchy” that has “endured through the ages, despite numerous legal constraints”.¹⁵ This demonstrates a strong, durable, and desirable traditional governing model within the community. However, the introduction of the contemporary Panchayat system has resulted to a “devaluation of traditional self-governance,” disturbing the Manjhi-Pradhan system and fostering the dominance of elected Mukhiyas and money lenders. This shows vivid contradiction whereby the statutory system is aimed at undermining the customary system instead of reinforcing it. The two systems do not only coexist but they also always end up conflicting with each other and this is where the great issue of democracy decentralisation in the tribal communities lies. The contemporary PRI system faces the danger of isolating the same communities it is meant to empower in case it does not integrate or honor such traditional practices in a proper way. This may lead to loss of confidence

¹³ Xaxa, V. (2005). *Traditional Self-Governance in Tribal Areas: A Study of Gram Sabha and Panchayati Raj in Jharkhand* (pp. 48-65). Tribal Research Institute, Ranchi.

¹⁴ Sahay, K. N. (1975). *Under the Shadow of the Cross: A Study of the Nature and Problems of the Growth of the Christian Church in Chotanagpur*. Institute of Social Research and Applied Anthropology.

¹⁵ Areeparampil, M. (2014). *Traditional Governance Systems of Tribes in Jharkhand and the Panchayati Raj System*. Tribal Research Institute, Jharkhand.

and decrease in performance of the two governing systems.

CRITICAL ANALYSIS: PESA IMPLEMENTATION AND CHALLENGES IN SANTHAL PARGANA

This is a conglomeration of a statutory diversion, systemic inefficiency and political ignorance which has hampered the implementation of the Panchayats (Extension to Scheduled Areas) Act (PESA) in Jharkhand and rendered it virtually useless. Although the progressive objective of the Act was to enable tribal people by decentralised self-rule, PESA has been severely undermined in the adaptation of Jharkhand through most of the Panchayati Raj Act of 2001. The powers of the Gram Sabha to prevent or revoke transfers of land have been abolished, and the powers of the Gram Sabha in development matters have been diminished to the same extent as a necessary approval to only an identity, or a plan. Although these are small steps, in legal terms, they constitute a tremendous loss of tribal sovereignty and an even wider political reluctance to give local institutions a real power base. The ensuing gap between the constitutional meaning of PESA and its adoption by the states has reduced the Gram Sabha to symbolic rather than substantive status, which has continued to marginalise the people whom it was aimed at supporting.

The implementation of PESA is also not facilitated by the fact that there are many structural barriers that transcend legislative levels. A major barrier is the lack of clarity with regards to the interpretation of the Constitution of the so-called Scheduled Areas, which is caused by the uneven application of the idea and unclear policy. There is lack of a proper legal system because the state laws have not been revised so that the provisions of PESA can be properly applied in the legal system. Also it is not a secret that there is bureaucratic apathy that is manifested through the inability of the administrative machinery to be committed; even the top officials have accused PESA states of non-compliance. This is compounded by the inability of political willing because of the deferral of the Panchayat elections in Jharkhand and the earlier repeal of the protected land legislations to facilitate industrial development which sometimes conflict with the tribal rights. The fact that there is resistance to the transfer of power to the established elites to the grassroots organisations, lack of appreciation of long term significance of the tribal self-rule and lack of information of the provisions of the act by tribal members and authorities makes the problem more worse.

Such issues reveal a more general institutional opposition to democratic decentralisation in

Scheduled Areas than these issues are individual technical defects. The political apathy, complacency and legal lapses have converged to weaken the revolutionary potential of the state in relation to its involvement in PESA which has been more of a mere showpiece rather than a reality. It is also due to this that PESA is yet to be established adequately in Jharkhand despite having a constitutional objective to do so and thus the culture of tribal people being left out of important government activities. This collapse underscores the need to have administrative commitment, political responsibility, and legal harmonisation to fulfil the commitments of participatory democracy within indigenous communities.

The implementation of PESA in Jharkhand has proven to be very challenging due to conflicts with the existing tax and forest laws coupled with the historical animosity of the political and administrative leaders. Despite the fact that development projects have to be approved by Gram Sabha on the basis of PESA, and the mode of ownership of minor forest output must be owned by the community, the rules are often bypassed by the state policy. The monopoly of the major forest products by the Forest Departments and the industrial push under the Jharkhand 2001 Industrial Policy that focuses on exploiting the tribal land and natural resources are a gross contravention of the primary intent of PESA. The disposition of the state to forsake protection laws in favor of industrialisation, generally without the approval of the community, is also evidenced by legislative efforts e.g. in seeking to change the Chotanagpur and Santhal Pargana Tenancy Acts. This led to the creation of the Pathalgadi movement, led by Munda tribes, aimed at becoming a strong response to these infiltrations, taking advantage of the Forest Rights Act and PESA to defend Gram Sabha independence.¹⁶

Tribal self-determination and the state's centralised development plan are at odds, which highlights the systemic resistance to delegating power to the people. Decreased forest and land rights, mass displacement, and distress-driven migration to neighbouring states and cities are all consequences of PESA's dilution and non-implementation, which have had a severe effect on indigenous populations, particularly the Santals. Massive acquisitions are still carried out under the pretence of public interest, despite the CNT/SPT Acts' legislative prohibitions on land alienation, and forest rights are still frequently disregarded because of lax FRA enforcement. Furthermore, Gram Sabhas frequently function as bureaucratic formalities rather than as empowered deliberative assemblies, with meetings infrequently called, records

¹⁶ The Hindu. (2018, July 14). What is the Pathalgadi movement in Jharkhand? Retrieved from <https://www.thehindu.com/news/national/other-states/the-pathalgadi-rebellion/article23530998.ece>.

fabricated, and sessions controlled by local elites, Thekedaars, or even co-opted traditional leaders. In addition to undermining democratic decentralisation, this loss of Gram Sabha power has deprived tribal people of real control over their resources, choices, and futures, making PESA's promise of empowerment a largely unfulfilled ideal.

DEVALUATION OF TRADITIONAL SELF-GOVERNANCE

The traditional form of governance of the Santhal community and especially of the Gram Sabha headed by the Manjhi-Pradhan has gradually been deprived of its functional authority by the increasing power of the modern Panchayati Raj Institutions (PRIs). The problems that used to be solved within the Gram Sabha are now being taken to the official courts more and more or by the conciliatory measures of the PRI members, who have at their disposal administrative machinery and even the state resources. The Gram Sabha is no longer as important in solving social and governance issues although it is culturally important. The loss of PESA, together with the prevalence of PRIs and bureaucratic institutions has established a system of alienation to the native populations. Disenfranchisement of land and forests rights results in economic misery and migration thus undermining the solidarity of the community and subjecting Gram Sabhas to manipulation.

Financially, PRIs are mostly dependent on national and state grants, with their own revenue providing just a modest share. Despite constitutional provisions under Articles 243H and 243I that empower PRIs to produce and manage resources on a local level most Panchayats keep away from imposing local taxes due to political opposition and lack competence. This financial dependency has intensified over time, as demonstrated by the fall in untied funds under the 15th Finance Commission.¹⁷

PRIs lack substantial financial autonomy, making them vulnerable to political influence and centralised development goals that frequently misunderstand or disregard local needs. This is reflected in the situation in Jharkhand, particularly in Santhal Pargana. As a result, the 73rd Amendment's promise of self-governance is typically disregarded, particularly in tribal areas where modern institutions function without adequate community credibility, resources, or empowerment and traditional systems are being destroyed.

¹⁷ National Institute of Rural Development & Panchayati Raj (NIRD&PR). (2021). Study on Human Resource Status in Gram Panchayats and its Impact on Functioning of PRIs in Jharkhand.

In Santhal Pargana, the implementation of numerous government plans aimed at poverty alleviation and rural development frequently fails at the Panchayat level due to systemic and structural barriers rather than flaws in the plans themselves. The marginalisation of tribal communities is evidenced by low literacy rates, low involvement in government jobs, and high rates of hardship migration, which hinders the involvement of the communities in local governance, solely by the Jharkhand Economic Survey. The panchayats in the region are financially indebted and can accommodate development plans to localized demands less because they are dependent almost entirely on state and federal grants, which sometimes are insufficient or slow. There are also administrative problems which are detrimental to planning and execution, including the high (almost 40 percent) vacancy rate in Gram Panchayat Secretary posts and the unavailability of qualified volunteers. Moreover, bureaucratic apathy and political influence do not allow the local-level decision making whose success will negate the participatory objective of PESA, which is already compromised by the PRI Act in Jharkhand. The Act restricts tribal self-governance, marginalises conventional bodies such as the Manjhi-Pradhan leadership and restricts the Gram Sabhas to be able to approve projects beyond naming. Activities are thus undertaken in an environment where communities are disempowered, local institutions are disempowered and the decisions made at the highest level, thereby leading to under performance by the masses and failure to reach even the most marginalised individuals.

CONCLUSION AND RECOMMENDATIONS

The research shows that although the Panchayati Raj system, backed by constitutional initiatives such as the 73rd Constitutional Amendment and the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), was designed to empower tribal communities through active local self-governance, its implementation in Jharkhand, particularly in the Santhal Pargana region remains extremely challenging. A major concern raised by the research is the disparity between central legislation and state-level execution. The Jharkhand Panchayati Raj Act, 2001 fails to completely operationalise the spirit and mission of PESA, notably in relation to the authority of the Gram Sabha over land management, minor forest produce, and the conservation of customary tribal customs.

Also, the institutions of Panchayat continue to suffer financial limitations hindering their independence and decision making capabilities because they are dependent on the national and

state governments. Their performance is badly hit with no source of independent revenue and delays in cash transfers. Interference of politics, unpredictable or delayed Panchayat elections, insufficiency of staff, and massive bureaucratic control further affects the functioning of PRIs. Another theme identified in the study is the fact that most traditional tribal governance systems such as the Manjhi-Pargana system are often ignored instead of being properly integrated into the formal governmental system, which reduces people participation and trust.

These structural issues continue to deny indigenous people access to land, poor public services, and involvement in local decision-making due to the existence of protective legislative measures in the face of the described challenges. To solve these problems, the report suggests that state laws should be harmonized with PESA, Panchayats should be empowered with greater financial and administrative autonomy, institutional vacancies should be filled, PRIs should be prevented by the politicians, and the mechanisms should be created to be able to combine the traditional and modern governance frameworks. In order to ensure that democratic decentralisation is effective in practice as opposed to being merely on paper as a constitutional ideal, there is need to empower education, livelihoods and legal awareness among the indigenous communities.